

OCA FILE

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27 September 1988
OCA 3222-88

MEMORANDUM FOR: Director of Central Intelligence

FROM: Deputy Director for Legislation
Office of Congressional Affairs

SUBJECT: Status of Representative Alexander's
"Anti-Stonewalling Act" Amendment

1. At the last minute, a compromise was proposed on the Alexander "Anti-Stonewalling Act" amendment: Representative Alexander would withdraw the original amendment and a substitute (copy attached), acceptable to both him and the Administration, would be included in the "leadership amendment" to be offered prior to final adoption of the bill.

2. We reviewed the substitute and advised the White House that, although we preferred no legislation on the subject, we could live with the substitute. The bill subsequently passed on 22 September with the substitute amendment being adopted.

3. The provision is open to further dilution and or deletion in Senate or in conference.

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Attachment

OCA/LEG, (27 September 1988)

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CONGRESSIONAL RECORD — HOUSE

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(5) The dissemination of information to law enforcement agencies that have responsibility for enforcement of drug laws.

(d) **GUIDELINES.**—The Task Force shall recommend to the Administrators guidelines for cleanup of illegal drug laboratories to protect the public health and environment. Not later than 180 days after the date of the enactment of this Act, the Administrators shall formulate and publish such guidelines.

(e) **DEMONSTRATION PROJECTS.**—

(1) The Attorney General shall make grants to, and enter into contracts with, State and local governments for demonstration projects to clean up and safely dispose of substances associated with illegal drug laboratories which may present a danger to public health or the environment.

(2) The Attorney General may not under this subsection make a grant or enter into a contract unless the applicant for such assistance agrees to comply with the guidelines issued pursuant to subsection (d).

(3) The Attorney General shall, through grant or contract, provide for independent evaluations of the activities carried out pursuant to this subsection and shall recommend appropriate legislation to the Congress.

(f) **FUNDING.**—Of the amounts made available to carry out the Controlled Substances Act for fiscal year 1989, not less than \$5,000,000 shall be made available to carry out subsections (d) and (e).

(d) **REPORTS.**—After consultation with the Task Force, the Administrators shall—

(1) transmit to the President and to each House of Congress not later than 270 days after the date of the enactment of this Act a report describing the program established by the Task Force under subsection (c) (including and analysis of the factors specified in paragraphs (1) through (5) of that subsection);

(2) periodically transmit to the President and to each House of Congress reports describing the implementation of the program established by the Task Force under subsection (c) (including an analysis of the factors specified in paragraphs (1) through (5) of that subsection) and the progress made in the cleanup and disposal of hazardous waste produced by illegal drug laboratories; and

(3) transmit to each House of Congress a report describing the findings made as a result of the evaluations referred to in subsection (e)(3).

Page 178, line 14, strike out "\$620,551,000" and insert in lieu thereof "\$625,551,000".

Page 375, after line 2, insert the following:

TITLE XI—INFORMATION ON ILLEGAL FOREIGN DRUG ACTIVITIES

SEC. 11001. COOPERATION BETWEEN AGENCIES AND WITH CONGRESS.

(a) **REQUIREMENT FOR INTERAGENCY COOPERATION.**—Any officer or employee in the executive branch who, in the course of his or her official duties, obtains information about illegal foreign drug activities shall promptly furnish such information, in accordance with the procedures established by the President pursuant to subsection (b)(1), to the head of an agency designated by the President pursuant to subsection (c)(2).

(b) **ESTABLISHMENT OF REPORTING PROCEDURES AND DESIGNATION OF RECIPIENT AGENCIES.**—Not later than 60 days after the date of the enactment of this Act, the President—

(1) shall establish procedures for furnishing information pursuant to subsection (a);

(2) shall designate one or more agencies as an agency to which such information is to be furnished (such agencies to include, as the President determines appropriate, agencies involved in the formulation of United

State foreign policy, agencies involved in the enforcement of Federal drug laws, the agency in which the officer or employee who obtains the information serves or is employed, or other agencies);

(3) shall establish procedures for the sharing of information furnished to an agency pursuant to this section with other agencies, where appropriate; and

(4) shall notify the Congress of the procedures so established and the agencies so designated.

The President shall review such procedures and designations once each year and may, on the basis of the review, change any such procedure or designation, with notification as provided in paragraph (4).

(c) **DEFINITIONS.**—As used in this section—

(1) the term "agency" means a department, agency, or establishment in the executive branch of the Government;

(2) the term "controlled substance" has the same meaning as is provided in section 102 of the Controlled Substances Act (21 U.S.C. 802);

(3) the term "illegal foreign drug activities" means activities occurring primarily outside the United States which, if they occurred in the United States, would be a felony under—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

(B) any other Federal law involving controlled substances; or

(C) Subchapter II of chapter 53 of title 31, United States Code (commonly referred to as the "Bank Secrecy Act"), section 1956 or section 1957 of title 18, United States Code (commonly referred to as the "Money Laundering Act"), or any other provision of title 18, United States Code, if the violation is related to illicit production of or trafficking in a controlled substance; and

(4) the term "officer or employee in the executive branch" means an appointed officer or an employee in the executive branch of the Government, and a member of a uniformed service.

Page 2, immediately after the item relating to title X, insert the following:

Title XI—Information on Illegal Foreign Drug Activities

The **CHAIRMAN.** Without objection, the reading of the amendments will be dispensed with, and the amendments will be printed in the RECORD.

There was no objection.

The **CHAIRMAN.** Pursuant to the rule, the gentleman from Washington [Mr. FOLEY] is recognized for 30 minutes in support of his amendments.

Mr. FOLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I am delighted to accept that, except I was wondering if I could claim the time designated for the gentleman from Illinois [Mr. MICHEL] as his designee.

The **CHAIRMAN.** The Chair would state under the rule the gentleman from Washington [Mr. FOLEY] is entitled to 30 minutes and the gentleman from Illinois [Mr. MICHEL] is entitled to 30 minutes.

As the Chair understood it, the gentleman from Washington [Mr. FOLEY] was yielding 15 minutes of his time.

Mr. FOLEY. Mr. Chairman, if the Chair will indulge me, I understood

that the total time was half an hour. The Chair is correct; it is half an hour on each side, so I will claim the full 30 minutes, and the gentleman from Florida [Mr. McCOLLUM] can claim the full 30 minutes on his side.

The **CHAIRMAN.** Without objection, the gentleman from Florida [Mr. McCOLLUM] may control the time of the gentleman from Illinois [Mr. MICHEL].

There was no objection.

The **CHAIRMAN.** The gentleman from Washington [Mr. FOLEY] will be recognized for 30 minutes and the gentleman from Florida [Mr. McCOLLUM] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment before us is offered on my behalf and that of the gentleman from Illinois [Mr. MICHEL], the Republican leader. It includes a number of individual proposals offered by Members on both sides of the aisle which have been consolidated in one package. Each of them has been cleared with not only the gentleman from Illinois [Mr. MICHEL] and myself, but with the leadership of the subcommittees of the various committees involved with this bill.

Mr. Chairman, while I intended to recognize a few Members present on the floor who wish to speak to specific proposals included in this amendment, let me say before doing so that I am deeply appreciative of the cooperation of the gentleman from Illinois [Mr. MICHEL], the Republican leader, and of the leadership of the subcommittees.

In particular I would like to mention the gentleman from New York [Mr. RANGEL] and the gentleman from New Jersey [Mr. HUGHES], as well as the gentleman from Florida [Mr. McCOLLUM] on the Republican side. They have all worked very assiduously on this legislation and have had the principal responsibility for the managing of the bill during its consideration by the House.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

(Mr. ANDERSON asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON. Mr. Chairman, there are many questions that have been asked, or need to be asked, about how we deal with the problem of drugs in our country. For example, is urinalysis or any drug analysis reliable? Is random urinalysis without probable cause for suspected drug use constitutional, ethical, or effective? Should an employee be disciplined if his urine tests positive for marijuana as a result of inhaling secondary smoke at a rock concert? Do positive drug test results indicate impairment at work? Regardless of where one stands on the drug